

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF THE	)	
ASSESSMENT OF A FEE FOR THE	)	ADMINISTRATIVE ORDER
ISSUANCE OF WARRANTS	)	No. 2004-199
_____	)	

**WHEREAS**, Arizona Revised Statute § 11-251.08 permits county boards of supervisors to adopt fees for any specific service the county provides to the public as long as that fee is attributable to and defrays the expense of the service for which the fee is assessed, and the fee does not exceed the actual cost of that service.

**WHEREAS**, the Maricopa County Board of Supervisors authorized the imposition of a \$45.00 Superior Court Warrant Fee ("the Fee") on defendants whose arrest is commanded by a bench warrant for, 1) their failure to appear in court as required; or 2) their failure to pay outstanding fines and fees (as defined in Superior Court Administrative Order and any succeeding orders) beginning July 1, 2004. Passage of this fee was reflected as Board of Supervisors agenda item number C-38-04-022-8-00.

**WHEREAS**, there is a need to detail the procedures necessary to implement the ordering, recording, processing, and collecting of the Fee.

**IT IS ORDERED** regarding bench warrants issued for failure to appear prior to conviction as follows:

1. Superior Court Judicial Officers shall order the Fee assessed upon issuance of the bench warrant, and the Fee assessment shall be reflected in the warrant issuance minute entry.
2. The Clerk shall *not* send the minute entry reflecting the warrant issuance to the defendant.
3. Judicial Officers at arraignment after the arrest on the warrant shall inform the defendant of the Fee.
4. The Probation Department shall research cases at the time the pre-sentence report is being prepared to note if the Fee was ordered, and recommend including the Fee in the order assessing restitution, fines, and fees at sentencing.

**IT IS FURTHER ORDERED** regarding bench warrants for failure to pay outstanding fines and fees issued after conviction as follows:

1. The Adult Probation Department shall inform probationers of the possibility of the Fee assessment at initiation of probation.

2. Judicial Officers shall order the Fee assessed upon the issuance of the probation violation bench warrant, and it shall be reflected in the body of the warrant itself.
3. Neither the Clerk nor Adult Probation shall notify the defendant that the Fee has been assessed until after the defendant's arrest on the warrant.
4. Judicial Officers at the probation violation arraignment after arrest on the warrant shall inform the defendant of the Fee assessment.
5. The Probation Department shall research the probation warrant and recommend including the Fee in the probation disposition order if it was assessed at issuance of the warrant.

Dated this 6<sup>th</sup> day of December

---

Hon. Colin F. Campbell  
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Eddward P. Ballinger, Criminal Presiding Judge  
Hon. Michael K. Jeanes, Clerk of the Superior Court  
Hon. Richard M. Romley, County Attorney  
Hon. Joseph M. Arpaio, County Sheriff  
Hon. Sylvia R. Arellano, Presiding Judge, Southeast Court Facility  
James Haas, Public Defender  
Robert S. Briney, Legal Defender  
Mark Kennedy, Office of Court Appointed Counsel  
Gordon Mulleneaux, Associate Clerk, Financial Services  
Carol Schreiber, Associate Clerk, Customer Services  
Marcus W. Reinkensmeyer, Court Administrator  
Barbara Broderick, Chief Adult Probation Officer  
Peter C. Kiefer, Criminal Court Administrator